

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, JANUARY 18, 2001
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Linda Steinman
Bob Workman

Commissioners Absent: Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,
JANUARY 11, 2001**

MOTION: Steinman moved and Workman seconded approval of the Staff Meeting minutes of January 11, 2001. Workman, Steinman and Campbell voted aye. Hudkins was absent from voting.

2 ADDITIONS TO THE AGENDA

- A. Contract for Psychologist at the Community Mental Health Center
- B. Meeting with Voorhis/Robertson Justice Services, Inc. to Discuss the Corrections Needs Assessment
- C. Report on the Meeting held in Davey, Nebraska to Solicit Public Input on the Lincoln City-Lancaster County Comprehensive Plan
- D. County Board Committee Assignments

Hudkins arrived at the meeting.

MOTION: Workman moved and Steinman seconded approval of the additions to the agenda. Steinman, Workman, Hudkins and Campbell voted aye. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, reviewed legislative bills of interest to Lancaster County (Exhibit A).

Eagan distributed copies of a memorandum from the Nebraska Association of County Officials (NACO) requesting information on inheritance tax collections and indicating that two bills, LB 28 and LB 266, were introduced that would modify or terminate the inheritance tax collections received by counties (Exhibit B).

Hudkins asked for Kissel's assessment of LB 28 (changes an exemption amount subject to inheritance tax and creates the County Inheritance Tax Replacement Fund).

Kissel said it appears the bill would offer some type of dollar for dollar rebate.

Hudkins said the rebate to the counties would be based on a formula that includes bridge and overpass miles and said the County Engineer needs to assess the impact to the County.

Hudkins asked Kissel to comment on Governor Johanns' proposal on mental health and juvenile justice.

Kissel said it is a good start, but is not the final answer. He noted that he and Mike Kelley, lobbyist for Douglas County, plan to meet with Senators Bourne, Pedersen and Thompson on Friday to discuss juvenile justice issues.

Steinman and Eagan indicated that they will also attend that meeting.

Mike Thew, Chief Deputy County Attorney, appeared and said last month the Nebraska Supreme Court decided a Tax Equalization and Review Commission (TERC) case in which it held that TERC did not have the legal authority to adopt a "mailbox rule" (document deemed to be filed if it is postmarked on the date it is due to be filed). He said there is a general "mailbox rule" in Nebraska Revised Statutes, Section 49-1201, that deals with reports, claims, tax return statements and payments but the Nebraska Supreme Court held that this language is not broad enough to cover appeal documents.

Thew said it has been the practice in this county to accept property valuation protests that are postmarked on or before the last day of filing. He suggested that the best way to address this problem is to amend Section 49-1201 to include tax returns or any other tax documents. Thew said Senator Wickersham supports such an amendment and has asked Lancaster County to testify at the hearing on LB 170 (changes provisions for property tax valuation and appellate procedures for appeals to TERC). He added that unless it is passed with an emergency clause, protests that are filed for this tax year must be received by the filing date and efforts will need to be taken to educate the public on the change.

MOTION: Hudkins moved and Workman seconded to authorize the County Attorney's Office and Gordon Kissel, Legislative Consultant, to testify in support of LB 170, with amendment. Hudkins, Workman, Steinman and Campbell voted aye. Motion carried.

Norm Agena, County Assessor, appeared and said he plans to testify in support of LB 233 (changes timeframes for certain property tax valuation protests). He said 30-35 percent of property valuation protests are filed on the last day and this bill would move that date from June 30th to June 20th which will provide additional time for referee hearings.

MOTION: Hudkins moved and Workman seconded to authorize the County Assessor to testify in support of LB 233 on behalf of Lancaster County. Hudkins, Workman, Steinman and Campbell voted aye. Motion carried.

Thew voiced concern that drastic changes to TERC are proposed in LB 45 (changes and eliminates procedures relating to appeals heard by TERC) and LB 603 (changes jurisdiction of TERC and property tax protest provisions). He said LB 45 would change the burden of proof imposed on a taxpayer and would repeal Nebraska Revised Statutes, Section 77-1511, which requires TERC to affirm the Board of Equalization's action unless there is evidence that this action is arbitrary and unreasonable. This bill would substitute language requiring TERC to approve the Board of Equalization's action unless the taxpayer proves by a preponderance of the evidence that their value is too high or is not equalized. Thew said this will discourage taxpayers from making a showing at the Board of Equalization level and will eliminate the Board of Equalization's ability to control the quality of assessments at the local level. He said LB 603, the Property Tax Administrator's omnibus bill, would take several responsibilities away from TERC. Appeals of qualified sales and centrally assessed property (railroads, airlines and public utilities) would go to Lancaster County District Court, rather than TERC, under the bill's provisions. The bill also provides that the Property Tax Administrator will appoint arbitrators to hear residential appeals under \$20,000, a conflict of interest in those counties in which the Property Tax Administrator serves as the County Assessor.

MOTION: Steinman moved and Hudkins seconded to authorize the County Attorney's Office to testify at the legislative hearings on LB 45 and LB 603 in support of the County Assessor's position. Hudkins, Workman, Steinman and Campbell voted aye. Motion carried.

Robin Hendricksen, Chief Administrative Deputy Assessor, appeared and reported on a meeting held with Senators Wickersham and Coordsen; George Kilpatrick, Legal Counsel to the Nebraska Legislature's Revenue Committee; Bill Lock, Research Analyst for the Legislature's Revenue Committee; and Catherine Lang, Property Tax Administrator, to discuss the income approach to valuation.

Kissel suggested defining general principals to avoid a piecemeal approach to legislative efforts. He also asked to be kept apprised of meetings with senators so that he will be able to answer the senator's follow-up questions.

Eagan recommended opposition of LB 161 (changes amounts recoverable under the Political Subdivisions Tort Claims Act).

MOTION: Steinman moved and Hudkins seconded to send a letter to the Nebraska Legislature's Judiciary Committee outlining the County's opposition to LB 161. Steinman, Workman, Hudkins and Campbell voted aye. Motion carried.

4 JUVENILE SERVICES PROGRAMS - Juvenile Court Judge Tom Dawson

Juvenile Court Judge Tom Dawson said experiences with the expediter program, and the day and evening reporting programs and the tracker services that coordinate with that program, have been positive and said the juvenile court judges believe the program has had a major impact on the number of youth that have been released from the detention center.

Judge Dawson said he has tracked the recidivism rate for the last two years using supplemental petitions. He said in 1999 there were 2,025 new filings, 703 of which were repeat youth. In 2000, there were 1,934 new filings, with recidivism indicated for 612 youth. Judge Dawson attributed the slight decrease in new filings to programs in place and the expansion of the pre-trial diversion program. He said the number of motions to revoke probation indicate the success of post-adjudication programming. In 1999 there were 163 motions to revoke probation and 184 in 2000, with fewer filings.

Dave Kroeker, Budget & Fiscal Officer, said it appears that boarding contract costs are almost half of what they were a year ago.

Judge Dawson said of the \$600,000 allotted, \$188,900 has been spent to date. He said there are several factors that have contributed to the decrease in expenditures. For example, a youth may be evaluated and recommended for out-of-home placement and the judge opts for a program such as evening reporting. The youth does well in that program and earns intensive supervised probation, rather than out-of-home placement. Judge Dawson said he has committed more youth with the Office of Juvenile Services (OJS) for out-of-home placement, but said there have been occasions when the judges have ordered an out-of-home placement that they believe is in the youth's best interest but that OJS can not accommodate. He added that OJS may agree to maintain this placement once the youth is committed to their care.

Judge Dawson also noted concern with Governor Johanns' new "gatekeeper" proposal (OJS would determine the placement of the juvenile) and said youth may not be placed where they need to be if OPTIONS (Medicaid Managed Care Program) refuses to pay for that level of care. He said the juvenile court judges plan to meet next week with a member of Governor Johanns' staff to discuss the proposed legislation.

5 POTENTIAL LITIGATION - Mike Thew, Chief Deputy County Attorney;
Dave Johnson, Deputy County Attorney

MOTION: Hudkins moved and Steinman seconded to enter Executive Session at 9:22 a.m. for discussion of pending litigation. Steinman, Hudkins, Workman and Campbell voted aye. Motion carried.

MOTION: Steinman moved and Workman seconded to exit Executive Session at 9:44 a.m. Steinman, Workman, Hudkins and Campbell voted aye. Motion carried.

6 AMUSEMENT LICENSE APPLICATION - Gwen Thorpe, Deputy County Clerk;
Dave Johnson, Deputy County Attorney

Dave Johnson, Deputy County Attorney, said he has been working with Gwen Thorpe, Deputy County Clerk, to incorporate suggestions made at last week's Staff Meeting into the draft of *Guidelines for Obtaining an Amusement License* and the application form. He said Mike Webb, Barry's Bar & Grill Manager, has also made several suggestions. Webb also posed several questions related to variances and health related issues that were referred to the Lincoln-Lancaster County Health Department for response.

Thorpe said questions that were related to insurance were referred to Sue Eckley, Workers' Compensation & Risk Management Manager.

Eagan suggested that notification to neighboring property owners be accomplished through the posting of signs and by certified letter, rather than requiring the applicant to seek permission for the event by going door-to-door.

ADDITIONS TO THE AGENDA

A. Contract for Psychologist at the Community Mental Health Center

Dave Johnson, Deputy County Attorney, explained that the amendment to the contract with Mary L. Paine, psychologist, reflects payment for an additional 35.75 hours of service for the period of October-December, 2000, rather than the original estimate of 13.5 hours.

B. Meeting with Voorhis/Robertson Justice Services, Inc. to Discuss the Corrections Needs Assessment

The Board scheduled a Board of Corrections meeting from 12:30 p.m. - 2:30 p.m. on March 1, 2001, which will include an update from the consultant.

C. Report on the Meeting held in Davey, Nebraska to Solicit Public Input on the Lincoln City-Lancaster County Comprehensive Plan

Workman said the following priorities were identified:

- Farmland being consumed
- Davey Community Hall
- Landfill
- Water
- Tax impacts

Workman said it is anticipated that garbage haulers will use Bluff Road to access the landfill once 70th Street is paved and it was suggested the paving be extended to Bluff Road as well.

Board consensus to seek input from Don Thomas, County Engineer.

D. County Board Committee Assignments

The Board will review committee assignments at the January 25th Staff Meeting.

7 GRANTS MANAGER POSITION - Kit Boesch, Human Services Administrator; Georgia Glass, Personnel Director

Kit Boesch, Human Services Administrator, said nine applications were received for the Grants Manager position. The job was offered to one candidate who accepted but later decided to not accept the position. She said it appears that the six month waiting period for insurance and the salary offered for the level of responsibility are barriers to hiring a qualified individual.

Boesch suggested the following (Exhibit C):

- Propose to the Personnel Policy Board that the position be posted at the C20, rather than C16, salary level
- Reopen the position within the county only
- Agree to promote the individual to the next step within the salary classification upon successful completion of a six month probation

Boesch said the Grants Manager will be expected to manage the 15 existing grants for the Human Services Department, in addition to any new grants that come in during that six month period. The Grants Manager could take on management of new grants outside the department in the future, including the Families First & Foremost (F³) Grant, if so desired.

Campbell requested research of whether the individual should be bonded.

In response to a question from Hudkins, Boesch said the City funds 25 percent of the position and the County funds the remaining 75 percent. She added that some grants include funds for administration which go into the General Fund.

Hudkins said he supports having the Grants Manager supervise the County's involvement with the F³ Grant.

Campbell said she agrees that the Grants Manager should review the F³ contracts and financial reports. She also recommended that a thorough audit of the F³ Grant Program be conducted and said the auditor should be asked to determine the amount of County match needed for the grant.

MOTION: Workman moved and Steinman seconded to refer the recommendation that the salary for the Grants Manager be increased from the C16 to C20 salary level to the Personnel Policy Board. Workman, Steinman, Hudkins and Campbell voted aye. Motion carried.

Georgia Glass, Personnel Director, recommended a review of whether other positions in the C16 salary range are being compensated at a rate comparable to their level of responsibilities.

8 ACTION ITEMS

- A. Request from Kerry Eagan, Chief Administrative Officer, to Attend Employment and Labor Law Seminar in Omaha, Nebraska on March 7, 2001

MOTION: Steinman moved and Hudkins seconded approval. Steinman, Hudkins, Workman and Campbell voted aye. Motion carried.

B. Request from Dean Settle, Community Mental Health Center Director,
for Vacation Pay Advance and Increase of Vacation Accrual Rate

Eagan explained that Dean Settle, Community Mental Health Center Director, requested and took a two week vacation December 26, 2000 through January 5, 2001, but was short ten hours of vacation time. He said Settle has since requested an advance of vacation time to cover this shortfall. Eagan said County Resolution No. 99-1155 addresses this issue and states:

The County Board may grant a department head up to 80 hours of vacation leave for use immediately upon appointment to the position rather than on an accrual basis. For each subsequent year of his/her appointment, the department head shall accrue vacation as other county employees.

Steinman voiced concern that directors are often required to work "over and above" the standard work week, yet their vacation pay is restricted the same as hourly employees.

Hudkins responded that the directors were aware of this expectation when they accepted their positions.

Steinman said Settle also noted in his letter to the Board (see agenda packet) that he has more than six years of service with Lancaster County and has suggested that the issue could be resolved by moving him to the three week vacation accrual level.

Eagan said the Lancaster County Personnel Rules state that employees with five (5) years of service earn the factored hourly equivalent of one hundred twenty(120) hours per year, however service must be on a continuous basis and Settle had a break in employment.

Campbell asked Georgia Glass, Personnel Director, how the City addresses vacation for its directors.

Glass said appointed directors receive four weeks of vacation each year and can only carry over 40 hours.

Eagan said County directors are currently allowed to accrue up to 240 hours of vacation, with a payout of accrual upon separation from service.

MOTION: Workman moved and Steinman seconded to direct the Personnel Department to review the vacation policy and to bring forward recommendations. Workman, Hudkins, Steinman and Campbell voted aye. Motion carried.

Eagan will send a letter to the directors explaining that the Board is reviewing the vacation policy for directors and asking for their input.

MOTION: Hudkins moved and Steinman seconded to deny the request for a vacation pay advance and increase of vacation accrual rate. Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

C. Microcomputer Requests:

1. C#2001-010 from County Engineer for \$5,092.86 from the County Engineer's Geographic Information System (GIS) fund for One (1) Dell Precision Workstation
2. C#2001-016 from Human Services from \$1,882.95 from the Human Services Budget for Pentium III, Monitor, Accessories and Software
3. C#2001-015 from Public Defender for \$3,957.56 from the Indigent Defense Screening Budget for Laptop Computer, Monitor, Accessories and Software

MOTION: Hudkins moved and Workman seconded approval. Hudkins, Workman, Steinman and Campbell voted aye. Motion carried.

9 ADMINISTRATIVE OFFICER REPORT

- A. Nebraska Association of County Officials (NACO) Workshop, February 7-9, 2001 in Kearney, Nebraska

Hudkins, Workman and Heier plan to attend the workshop.

- B. Volunteer of the Month Process

Eagan explained that the Volunteer of the Month recognizes volunteers in County/City government and said although the Board wishes to recognize the volunteer contributions of Charles Willnerd, Lancaster County Agricultural Society Building Committee Chair, he would not qualify for this award.

Board consensus to recognize Willnerd with a plaque at the ribbon-cutting ceremony for the Ag Society's Event Center on January 27th.

- C. Deputy Chief Administrative Officer Position

Eagan reported that 53 individuals submitted applications for the Deputy Chief Administrative Officer position.

The Board asked the Personnel Department to screen the applications and to forward the applications of the 15 highest scoring candidates and the names of the 53 candidates to the Board.

D. County Board Space Needs and Office Reconfiguration

The Board directed Eagan to draft a memorandum to Don Killeen, County Property Manager, detailing the space needs of the County Board of Commissioners Office and the Human Service Department.

E. Reset Date for Mid-Year Budget Retreat

The Board rescheduled the Mid-Year Budget Retreat for February 7th from 8 a.m. to 3 p.m.

10 DISCUSSION OF BOARD MEMBER MEETINGS

A. Information Services Policy Committee - Workman

Workman reported the following:

- O \$10,000 in illegal software licenses were purchased last month and the vendors have agreed to reimbursement
- O 32 palm pilots are currently in use
- O Cost of maintaining websites for the villages within Lancaster County is approximately \$1,500 per month and options are being explored to reduce this cost

B. Parking Committee - Campbell, Hudkins

Hudkins said efforts are being made to secure a better rate for parking space in the Carriage House Parking Garage.

11 EMERGENCY ITEMS AND OTHER BUSINESS

The Board will either hold a Staff Meeting at 10 a.m. on Tuesday, January 30th or at the regularly scheduled time on Thursday, February 1st, depending on when a quorum of the Board will be available.

The Board will not hold a Staff Meeting on Thursday, February 8th. A Staff Meeting will be held on Tuesday, February 6th at 9 a.m. instead.

12 ADJOURNMENT

By direction of the Chair, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk